

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MANCHESTER TEXAS FINANCIAL)
GROUP, LLC; MANCHESTER AUSTIN,)
LLC d/b/a MANCHESTER AUSTIN)
HOTEL, LLC, as assignee of)
MANCHESTER TEXAS FINANCIAL)
GROUP, LLC; and MANCHESTER)
FINANCIAL GROUP, LLC,)

Plaintiffs,)

v.)

THE CHUBB CORPORATION AKA ACE)
AMERICAN INSURANCE COMPANY,)
ALLIANT INSURANCE SERVICES, INC.,)
and LOCKTON COMPANIES, LLC)

Defendants)

Case No.:

State Case No. D 1 GN 18 006888

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant ACE AMERICAN INSURANCE COMPANY (“ACE”), pursuant to 28 U.S.C. § 1441 hereby removes the action captioned *Manchester Texas Financial Group, LLC; Manchester Austin, LLC d/b/a Manchester Austin Hotel, LLC, as assignee of Manchester Texas Financial Group, LLC; and Manchester Financial Group, LLC vs. The Chubb Corporation aka ACE American Insurance Company, Alliant Insurance Services, Inc., and Lockton Companies, LLC*, filed in the 126th Judicial District Court of Travis County, Austin, Texas, Cause No. D-1-GN-18-006888 (the “State Court Action”). Removal is warranted under 28 U.S.C. § 1441 because this action involves claims over which this Court has original jurisdiction under 28 U.S.C. § 1332.

VENUE AND TIMELINESS

1. On November 15, 2018, Plaintiffs Manchester Texas Financial Group, LLC; Manchester Austin, LLC d/b/a Manchester Austin Hotel, LLC, as assignee of Manchester Texas Financial Group, LLC; and Manchester Financial Group, LLC (collectively, “Manchester”), filed its initial petition in the District Court of Travis County, Texas, 126th Judicial District.

2. The initial petition and citation was served on The Chubb Corporation through CT Corporation System, The Chubb Corporation’s agent for service of process in Texas, on November 27, 2018. A copy of the initial petition is attached as **Exhibit A-1 (APP 003-0211)**. A copy of the citation is attached as **Exhibit A-3 (APP 0212)**.

3. The initial petition was not removable. The members of Manchester are citizens of California and Texas. Defendant Alliant Insurance Services, Inc. is incorporated under the laws of Delaware, with its principal place of business in California. In addition, at least one member of defendant Lockton Companies, LLC is a citizen of Texas.

4. On December 20, 2018, Manchester served its First Amended Petition on counsel for The Chubb Corporation, Alliant Insurance Services, Inc., and Lockton Companies, LLC. A copy of Manchester’s First Amended Petition is attached as **Exhibit A-8 (APP 0220-0425)**.

5. The First Amended Petition was not removable. The members of Manchester are citizens of California and Texas. Defendant Alliant Insurance Services, Inc. is incorporated under the laws of Delaware, with its principal place of business in California. In addition, at least one member of defendant Lockton Companies, LLC is a citizen of Texas.

6. On May 21, 2019, Manchester emailed its Second Amended Petition to counsel for ACE American Insurance Company. A copy of Manchester’s Second Amended Petition is attached as **Exhibit A-27 (APP 0514-0584)**. The Second Amended Petition names as a defendant

“ACE American Insurance Company (improperly named as ‘THE CHUBB CORPORATION aka ACE AMERICAN INSURANCE COMPANY’)” and no other defendants.

7. ACE agreed to accept service of process of the Second Amended Petition on June 12, 2019. A copy of the Rule 11 Agreement Waiving Service of Citation is attached as **Exhibit A-29 (APP 0591-0592)**.

8. On June 18, 2019, ACE filed its Answer to Manchester’s Second Amended Petition, a copy of which is attached as **Exhibit A-30 (APP 0593-0595)**. Copies of all other documents filed in the State Court Action are attached as **Exhibit A (A-1 through A-30)**.

9. The Second Amended Petition only contains claims against ACE. There are no claims against Alliant Insurance Services, Inc. or Lockton Companies, LLC.

10. ACE files this Notice of Removal within the thirty-day time period prescribed by 28 U.S.C. § 1446(b)(3) because it is filed within 30 days of receipt by ACE of the Second Amended Petition, which is the paper from which it may first be ascertained that the case is one which is or has become removable.

11. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit is pending is located within this district.

12. Removal is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1). The amount in controversy exceeds \$75,000, exclusive of interest and costs.

13. Plaintiff Manchester is a group of related limited liability companies whose members are citizens of California and Texas.

14. Defendant ACE American Insurance Company is a Pennsylvania corporation with its principal place of business in Pennsylvania and, accordingly, is a citizen of Pennsylvania.

15. No member of Manchester is a citizen of Pennsylvania.

16. The Second Amended Petition alleges that ACE breached a contract of insurance issued to Manchester and seeks damages in excess of \$3.9 million for losses allegedly covered by the insurance contract.

17. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, 1441, and 1446 because this is a civil action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interests, and because there exists complete diversity between Manchester and ACE.

18. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff, and a copy is also being filed with the Clerk of the 126th Judicial District Court of Travis County, Austin, Texas.

WHEREFORE, pursuant to 28 U.S.C. §§ 1441 and 1446, defendant ACE American Insurance Company removes this action from the 126th Judicial District Court of Travis County, Austin, Texas to the United States District Court for the Western District of Texas, Austin Division.

Dated: June 18, 2019

Respectfully submitted,

/s/ Alicia G. Curran

Alicia G. Curran
State Bar No. 12587500
acurran@cozen.com

COZEN O'CONNOR
1717 Main Street, Suite 3100
Dallas, Texas 75201
Telephone: (214) 462-3000
Facsimile: (214) 462-3299

-and-

Matthew Ponzi
Pro Hac Vice To Be Filed
Illinois Bar No. 6198984
mponzi@fgppr.com
Chris Snow
Pro Hac Vice To Be Filed
Illinois Bar No. 6323142
New York Reg. No. 4909289
csnow@fgppr.com

FORAN GLENNON
PALANDECH PONZI & RUDLOFF PC
222 North LaSalle Street, Suite 1400
Chicago, IL 60601
Telephone: (312) 863-5000
Telecopier: (312) 863-5099

ATTORNEYS FOR DEFENDANT
ACE AMERICAN INSURANCE COMPANY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served electronically upon all counsel of record in accordance with the Federal Rules of Civil Procedure June 18, 2019.

/s/ Alicia G. Curran
Alicia G. Curran